

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

HENRY LEE JONES)
v.) NO: 3:19-00795
TONY MAYS, et al.) Trauger/Holmes

ORDER

On January 21, 2022, Defendants filed a motion for summary judgment. By Order entered February 1, 2022 (Docket Entry No. 80), the Court notified Plaintiff of the motion and gave him a deadline of March 18, 2022, to file a response.

Although Plaintiff filed a short response to the motion on February 4, 2022, *see* Docket Entry No. 81, which appears to have been written and mailed prior to the Court's February 1, 2022, Order, he thereafter made five different filings with the Court. *See* Docket Entry Nos. 82-87. In these filings, he complains about receiving and sending mail from his unit at the Riverbend Maximum Security Institution. He also specifically asks if the Court has received an additional response to the motion for summary judgment that he contends he wrote on or about February 14, 2022, and personally gave to a post-conviction attorney for mailing to the Court and also mailed to his cousin for mailing to the Court. *See* Docket Entry Nos. 83, 85, and 86.

The Court has not received a second response to the motion for summary judgment. However, Plaintiff is advised that giving his response to a post-conviction attorney for mailing or to a relative for mailing is not a sufficient and proper method of mailing and filing his response to the Court. He must mail his response directly to the Court in the same way that he has mailed his other filings.

The Court's review of the docket in this case reveals that Plaintiff has made numerous filings in this case, including the several recent filings noted by the Court in this Order, and has received both filings from Defendants' attorney and Orders from the Court. There does not appear to the Court to be any instance of mail tampering or sabotage as alleged by Plaintiff. The Court has not received Plaintiff's second response to the motion for summary judgment because Plaintiff does not appear to have actually mailed it to the Court in the same manner as he mailed his other filings.

Nonetheless, given that Plaintiff appears to have attempted to provide the Court with a second response to the motion for summary judgment within the original response deadline, the Court will grant Plaintiff a second opportunity to mail his response to the Court. **The deadline for Plaintiff to file his second response to the motion for summary judgment is May 6, 2022.** Plaintiff's response, excluding exhibits, shall not exceed twenty-five pages. Defendants shall have fourteen (14) days after Plaintiff's response to file a reply, which shall not exceed five (5) pages. No sur-reply from Plaintiff is permitted.

Plaintiff's motion for a jury trial (Docket Entry No. 82) is GRANTED. Defendants have also requested a jury trial, and if this matter proceeds to trial, it will be in front of a jury.

It is so ORDERED.



BARBARA D. HOLMES
United States Magistrate Judge